

Exhibit A: Index of Documents Filed in State Court

*The Amarillo Area Foundation and The Don and Sybil Harrington Foundation v.
Invesco Institutional (N.A.), Inc., Cause No. 93114-C*

	Date	Document Description
1.	March 2, 2005	Plaintiffs' Original Petition
2.	March 8, 2005	Plaintiffs' Motion for Service Pursuant to Texas Rule of Civil Procedure 103
3.	March 8, 2005	Order Authorizing Service Under Rule 103 Texas Rules of Civil Procedure
4.	March 22, 2005	Transmittal Letter from Plaintiffs' attorney John Mozola to District Clerk
5.	March 22, 2005	Record Citation of Invesco Institutional (N.A.), Inc.
6.	April 1, 2005	Transmittal Letter from Defendant's Thomas Riney to District Clerk
7.	April 1, 2005	Defendant's Motion to Transfer Venue and Subject Thereto Its Original Answer

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Civil Docket; Case 93114-00-C; Accounts, Contracts, Notes
 THE AMARILLO AREA FOUNDATION AND THE DON AND SYBIL HARRINGTON FOUNDATION vs
 INVESCO INSTITUTIONAL (NA) INC (FKA INVESCO CAPITAL MANAGEMENT INC)
 Filed 03/02/2005 - Disposition:
 251st District Court, District Clerk, Potter County, Texas

Help

Date	Description/Comments	Reference	Typ	Amount	Order Copies
03/02/2005	PREPARE DOCKET SHEET		TXT		Order
	FILE PLAINTIFFS' ORIGINAL PETITION		"		Order
	CLERK'S FEE		A+	50.00	
	STATE FEE		"	50.00	
	LAW LIBRARY FEE		"	35.00	
	ALTERNATIVE DISPUTE RESOLUTION CENTER		"	10.00	
	COURTHOUSE SECURITY FUND		"	5.00	
	RECORDS MANAGEMENT FEE		"	5.00	
	DC RECORD MANAGEMENT		"	5.00	
	COURT REPORTER'S FEE		"	15.00	
	ISSUE CITATION PERSONAL SERVICE:		"	8.00	
	CHECKS RECEIVED Paid by: MULLIN HOARD & BROWN LLP	00015852	SP	183.00	
	ALTERNATIVE DISPUTE RESOLUTION	00015852	TOF	10.00	
	CLERKS FEES	00015852	"	50.00	
	LAW LIBRARY FEES	00015852	"	35.00	
	STATE FEE	00015852	"	50.00	
	COURT REPORTER'S FEE	00015852	"	15.00	
	DC RECORD MANAGEMENT & PRESERVATION FE	00015852	"	5.00	
	RECORDS MANAGEMENT	00015852	"	5.00	
	COURTHOUSE SECURITY FUND	00015852	"	5.00	

	ISSUANCE	00015852	"	8.00	
03/08/2005	FILE MOTION: FOR RULE 103 SERVICE		TXT		Order
	FILE AND ENTER ORDER: AUTHORIZING SERVICE UNDER RULE 103 TEXAS RULES OF CIVIL PROCEDURE (SIGNED 03/08/05 BY JUDGE PIRTLE; AUTHORIZING DWIGHT D. MULLEN, ADIL TADLI AND DANNY L. HANEY)	1010/0761	"		Order
03/22/2005	FILE LETTER: DATED 03/22/05 FROM JOHN MOZOLA TO CLERK		"		Order
	RECORD CITATION: INVESCO INSTITUTIONAL (NA) INC (FKA INVESCO CAPITAL MANAGEMENT INC) BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM SERVED 03/11/05; DALLAS COUNTY BY DWIGHT D. MULLEN *****NO FEE SHOWN*****	O/C	"		Order
04/01/2005	FILE LETTER: DATED 04/01/05 FROM THOMAS C. RINEY TO CLERK		"		Order
	FILE MOTION: DEFENDANT'S MOTION TO TRANSFER VENUE AND SUBJECT THERETO ITS ORIGINAL ANSWER		"		Order

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 Viewed as of April 4, 2005, time: 11:56:06

C

/

3. **Parties:**

Plaintiffs are corporations organized and existing under the laws of the state of Texas. Defendant is a foreign corporation that has designated CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201 as its designated agent for service of process.

4. **Facts:**

Prior to 2001, Plaintiffs entered Investment Management Agreements with Defendant. The parties agreed that Defendant had various powers in performance of its duties as Investment Manager for Plaintiffs, including the power to direct the purchase or subscription of securities. Defendant acknowledged that, as Investment Manager for Plaintiffs, it was a fiduciary in respect to the funds invested for Plaintiffs. The parties agreed that Defendant may provide services to Plaintiffs through any or all of its affiliates, including INVESCO Funds Group, Inc. Pursuant to the agreement, Defendant performed investment services and Plaintiffs paid fees to Defendant in excess of \$400,000. Defendant's status as Investment Manager ended following the fourth quarter of 2001.

5. In 2004, Plaintiffs learned that INVESCO Funds Group, Inc., the affiliate of Defendant referred to above, had been charged with engaging in unlawful conduct in violation of the securities laws of the United States. On October 22, 2004, Plaintiffs requested Defendant to disclose to Plaintiffs any conduct of Defendant that could reasonably be construed as a breach of Defendant's fiduciary duties, as well as any damage that may have resulted to the

Plaintiffs as a result of that conduct. Defendant responded that it was a separate entity from INVESCO Funds Group, Inc. and disagreed with the conclusion that Defendant had a fiduciary duty to Plaintiffs to disclose any conduct by INVESCO Funds Group, Inc.

6. On December 3, 2004, Plaintiffs informed Defendant that the fact that Defendant and INVESCO Funds Group, Inc. may be separately incorporated did not resolve the questions raised by Plaintiffs. Plaintiffs asked that Defendant advise Plaintiffs of the role that INVESCO Funds Group, Inc. had in performance by Defendant of its contracts with Plaintiffs, including a description of any involvement that INVESCO Funds Group, Inc. had in the selection of securities purchased and sold by Defendant for Plaintiffs and in executing trades of stock on behalf of Plaintiffs. Defendant responded on December 13, 2004, stating that it found no record of Defendant ever investing any assets for Plaintiffs with INVESCO Funds Group, Inc. Plaintiffs responded on December 16, 2004, stating that Defendant's response did not answer the questions raised. Plaintiffs asked INVESCO to inform them of the role that INVESCO Funds Group, Inc. had in the performance by Defendant of its contracts with the Foundations. Specifically, Plaintiffs asked if Defendant relied in whole or in part on investment advice from INVESCO Funds Group, Inc. and whether INVESCO Funds Group, Inc. participated in any way in the execution of trades made for the accounts of Plaintiffs.

7. Defendant responded on January 3, 2005, stating that to the **best of its knowledge**, Defendant did not rely in whole or in part on investment advice from INVESCO Funds Group, Inc. in the management of Plaintiffs' assets and did not participate in any way in the execution of trades made for the accounts of the Foundations. Subsequently, the attorney for Plaintiffs conferred with the attorney for Defendant, requesting written proof of the statements made in the January 3, 2005 letter. Defendant has refused to do so. In addition to the information requested above, Plaintiffs hereby request documents showing whether Defendant bought and sold stocks or bonds for Plaintiffs the prices of which were adversely affected by conduct of INVESCO Funds Group, Inc.

8. **Cause of action for breach of fiduciary duty:**

As a fiduciary to Plaintiffs, Defendant has the duty to account to them and provide information to Plaintiffs concerning the conduct of Defendant in its capacity as investment manager for Plaintiffs. Defendant has breached that duty by failing to provide the information requested by Plaintiffs.

WHEREFORE, Plaintiffs pray that Defendant be cited to answer and appear in this case and upon hearing of this case, the Court order Defendant to produce documents and the accounting as requested by Plaintiffs and enter judgment for all relief to which Plaintiffs may be entitled, including money damages in an amount in excess of the minimum jurisdictional level of this Court, punitive damages, attorneys' fees, costs of court, prejudgment and postjudgment

interest at the highest rates allowed by law, and all other relief, both legal and equitable, to which Plaintiffs may be entitled.

DATED: March ____, 2005.

Respectfully submitted,

John Mozola, TSB No. 14615500
John Mozola, PC
MULLIN HOARD & BROWN, L.L.P.
P. O. Box 31656
Amarillo, Texas 79120
Tel: 806/372-5050
Fax: 806/372-5086



ATTORNEY FOR PLAINTIFFS

CAUSE NO. 093114-00-C

THE AMARILLO AREA FOUNDATION,	§	IN THE DISTRICT COURT
ET AL,	§	
Plaintiffs,	§	
VS.	§	251ST JUDICIAL DISTRICT
INVESCO Institutional (N.A.), INC., (f/k/a	§	
INVESCO Capital Management, Inc.),	§	
Defendant.	§	POTTER COUNTY, TEXAS

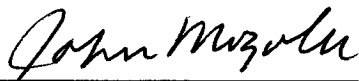
MOTION FOR RULE 103 SERVICE

Petitioner moves the Court to order service of citation on INVESCO Institutional (N.A.), INC., (f/k/a INVESCO Capital Management, Inc.), as prescribed by Rule 103 of the T.R.C.P.

Private Process Servers DWIGHT D. MULLEN, ADIL TADLI and DANNY L. HANEY, are individuals who are residents of the State of Texas and are over the age of 18 years and are not parties to or interested in the outcome of this case.

Petitioner requests the Court issue its order authorizing service by Rule 103 of citation and other notices in the above-styled and numbered cause by the above named individuals, by service on the registered agent INVESCO Institutional (N.A.), INC., so that it may be notified of this suit.

Respectfully Submitted:



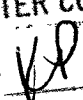
JOHN MOZOLA

Texas Bar No. 14615500

MULLIN HOARD & BROWN, L.L.P.
P.O. BOX 31656
Amarillo, Texas 79120
806-372-5050
806-372-5086 Fax

Attorney for Plaintiff

FILED
CAROLINE WOODBURN
DISTRICT CLERK

2005 MAR -8 P 2:04
POTTER COUNTY, TEXAS
BY  **01**
RECEIVED

CAUSE NO. 093114-00-C

THE AMARILLO AREA FOUNDATION,	§	IN THE DISTRICT COURT
ET AL,	§	
Plaintiffs,	§	
VS.	§	251 ST JUDICIAL DISTRICT
INVESCO Institutional (N.A.), INC., (f/k/a	§	
INVESCO Capital Management, Inc.),	§	
Defendant.	§	POTTER COUNTY, TEXAS

ORDER AUTHORIZING SERVICE UNDER RULE 103
TEXAS RULES OF CIVIL PROCEDURE

On this day came to be heard the request that the Court authorize service of process upon a party to this cause pursuant to Rule 103, Texas Rules of Civil Procedure. After considering the affidavits of DWIGHT D. MULLEN, ADIL TADLI and DANNY L. HANEY, the Court finds that the requirements of Rule 103 have been met and that service under such Rule should be authorized.

IT IS THEREFORE ORDERED that **DWIGHT D. MULLEN, ADIL TADLI and DANNY L. HANEY**, are authorized to serve Citations and other notices in this cause and to make return thereof.

SIGNED this 7th day of March 2005.


JUDGE PRESIDING

FILED
CAROLINE WOODBURN
DISTRICT CLERK

2005 MAR -8 P 2:12

POTTER COUNTY, TEXAS

BY VP 02
DEPUTY

1010761

• LIN • HOARD • BROWN • L



John Mozola

Board Certified Civil Trial Law
Texas Board of Legal Specialization

Email: jmozola@mhba.com
Direct Dial: 806.337.1123
Fax: 806.372.5089

March 22, 2005

Caroline Woodburn
Potter County District Clerk
P.O. Box 9570
Amarillo, Texas 79105-9570

Re: No. 93,114-C; *The Amarillo Area Foundation and The Don and Sybil Harrington Foundation v. INVESCO Institutional (N.A.), Inc. (f/k/a INVESCO Capital Management, Inc.)*; In the 251st District Court; Potter County, Texas

Dear Ms. Woodburn:

Enclosed are the original and one copy of the Affidavit of Service to the registered agent for INVESCO. Please file the original and return the file-marked copy to me in the enclosed postage paid envelope.

Thank you for your assistance.

Sincerely,

John Mozola

FJM/gh
Enc.

Lubbock
1500 Broadway
Suite 700
Lubbock, Texas 79401
Phone: 806-765-7491 • Fax 806-765-0553

Amarillo
PO Box 31656
Amarillo, TX 79120
500 S Taylor
Suite 800, LB 213
Amarillo, TX 79101
Phone: 806-372-5050 • Fax: 806-372-5086

FILED
CAROLINE WOODBURN
DISTRICT CLERK
2005 MAR 22 P 2:51
New York
845 Third Ave
21st floor
New York, New York 10022
POTTER COUNTY, TEXAS
Phone: 212-223-4150 • Fax 212-223-4153

5

P.O. Box 9570
Amarillo, Texas 79105-9570
501 S. Fillmore-Suite 1B

Potter County
Caroline Woodburn
DISTRICT CLERK
www.co.potter.tx.us/districtclerk/index.html

806 / 379-2300
FAX: 806 / 372-5061
districtclerk@co.potter.tx.us

THE STATE OF TEXAS
CIVIL

CITATION--PERSONAL SERVICE

CAUSE NO. 093114-00-C

THE AMARILLO AREA FOUNDATION AND THE DON AND SYBIL HARRINGTON FOUNDATION
VS INVESCO INSTITUTIONAL (NA) INC (FKA INVESCO CAPITAL MANAGEMENT INC)

IN AND FOR THE: 251ST DISTRICT COURT
TO: INVESCO INSTITUTIONAL (NA) INC (FKA INVESCO CAPITAL
MANAGEMENT INC) BY SERVING ITS REGISTERED AGENT CT
CORPORATION SYSTEM, 350 N ST PAUL ST, DALLAS, TX 75201

NOTICE: YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR
ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS
CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF
TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT
JUDGMENT MAY BE TAKEN AGAINST YOU.

THE ADDRESS OF THE CLERK IS SHOWN ABOVE. THE PLAINTIFF'S PETITION WAS
FILED ON: MARCH 2, 2005 IN THE 251ST DISTRICT COURT LOCATED AT AMARILLO,
POTTER COUNTY, TEXAS.

ATTACHED HERETO IS: PLAINTIFFS' ORIGINAL PETITION

THE ATTORNEY FOR THE PLAINTIFF IS: JOHN MOZOLA, 500 S. TAYLOR, 800 ANB,
AMARILLO, TX 79101, (806) 372-5050.

ISSUED AND GIVEN UNDER MY HAND AND SEAL ON: MARCH 2, 2005

CAROLINE WOODBURN, CLERK OF THE COURT
POTTER COUNTY, TEXAS

BY Betty Price DEPUTY

(OFFICER'S RETURN FOLLOWS)

**RETURN
COPY**

FILED
CAROLINE WOODBURN
DISTRICT CLERK

2005 MAR 22 P 2:51

POTTER COUNTY, TEXAS

38 02

P.O. Box 9570
Amarillo, Texas 79105-9570
501 S. Fillmore-Suite 1B

Caroline Woodburn
DISTRICT CLERK
www.co.potter.tx.us/districtclerk/index.html

806 / 379-2300
FAX: 806 / 372-5061
districtclerk@co.potter.tx.us

=====OFFICER'S RETURN=====

CAUSE NO. 093114-00-C

STYLE: THE AMARILLO AREA FOUNDATION AND THE DON AND SYBIL HARRINGTON
FOUNDATION VS INVESCO INSTITUTIONAL (NA) INC (FKA INVESCO CAPITAL
MANAGEMENT INC)

CAME TO HAND ON _____, 20____ AT _____ O'CLOCK _____.M. AND
EXECUTED BY PERSONALLY DELIVERING A COPY OF THIS CITATION WITH A COPY OF
THE PETITION ATTACHED, HAVING ENDORSED THE DATE OF DELIVERY ON THE COPY
OF THE CITATION, IN PERSON TO:

SEE ATTACHED AFFIDAVIT

(NAME OF INDIVIDUAL, CORPORATION, OR AGENT SERVED)

IN _____ COUNTY, TEXAS, AT _____ O'CLOCK _____.M.

ON _____, 20_____.

_____, SHERIFF

_____ COUNTY, TEXAS

BY _____, DEPUTY

FEE FOR SERVING CITATION _____

=====FOR PROCESS SERVER'S USE=====

SUBSCRIBED AND SWORN TO BEFORE ME ON: _____, 20____
WITNESS MY HAND AND SEAL.

_____, NOTARY
MY COMMISSION EXPIRES: _____.

FEE FOR SERVING CITATION _____

CAUSE NO. 093114-00-C

THE AMARILLO AREA FOUNDATION, ET AL,

IN THE DISTRICT COURT

VS. Plaintiff(s),

251ST JUDICIAL DISTRICT

INVESCO INSTITUTIONAL (N.A.), INC., ET AL,

Defendant(s).

POTTER COUNTY, TEXAS

AFFIDAVIT OF SERVICE

Came to hand on **Thursday, March 10, 2005** at **4:00 PM,**

Executed at: **350 N ST PAUL ST, STE 2900, DALLAS, TX 75201** within the county of

DALLAS at **10:30 AM,** on **Friday, March 11, 2005,** by delivering to the within named:

INVESCO INSTITUTIONAL (NA) INC

by delivering to its Registered Agent, **CT CORPORATION SYSTEM**

by delivering to its designated agent, **SANDY CABALLERO** in person a true copy of this

CITATION AND PLAINTIFF'S ORIGINAL PETITION

having first endorsed thereon the date of the delivery.

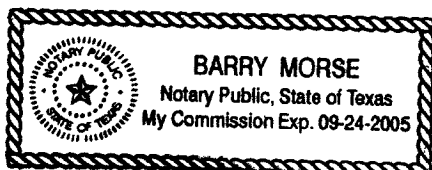
BEFORE ME, the undersigned authority, on this day personally appeared **Dwight D. Mullen,** who after being duly sworn on oath states: "My name is **Dwight D. Mullen.** I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I am familiar with the Texas Rules of Civil Procedure, and the Texas Practice and Remedies Codes as they apply to service of process. I have never been convicted of a felony or of a misdemeanor involving moral turpitude."

Dwight D. Mullen

of **DALLAS COUNTY**

By: **Dwight D. Mullen**
 Authorized Person

Given under my hand and seal of office on this **14TH** day of **MARCH 2005.**



Barry Morse
Notary Public in and for
The State of Texas

COPY

CAUSE NO. 093114-00-C

**THE AMARILLO AREA FOUNDATION,
ET AL,**

Plaintiffs,

VS.

**INVESCO Institutional (N.A.), INC., (f/k/a
INVESCO Capital Management, Inc.),**

Defendant.

IN THE DISTRICT COURT

251ST JUDICIAL DISTRICT

POTTER COUNTY, TEXAS

ORDER AUTHORIZING SERVICE UNDER RULE 103
TEXAS RULES OF CIVIL PROCEDURE

On this day came to be heard the request that the Court authorize service of process upon a party to this cause pursuant to Rule 103, Texas Rules of Civil Procedure. After considering the affidavits of DWIGHT D. MULLEN, ADIL TADLI and DANNY L. HANEY, the Court finds that the requirements of Rule 103 have been met and that service under such Rule should be authorized.

IT IS THEREFORE ORDERED that DWIGHT D. MULLEN, ADIL TADLI and DANNY L. HANEY, are authorized to serve Citations and other notices in this cause and to make return thereof.

SIGNED this 8th day of March 2005.

Jacobs & Smith

JUDGE PRESIDING

Filed at 2:51 o'clock P M
Caroline Woodburn

MAR 22 2005

District Clerk, Potter County, Texas
By _____ Deputy

FILED
CAROLINE WOODBORN
DISTRICT ATTORNEY
DISTRICT 11

2005 MAR 22 - 8 2:51 PM '12

POTTERING COPY

RY5Y BL

Gwinn & Roby L.L.P.

ATTORNEYS AND COUNSELORS

Amarillo/Dallas/Fort Worth
600 Maxor Building
320 S. Polk Street
Amarillo, Texas 79101-1426
(806) 468-3200
Fax (806) 376-4509
triney@gwinnrobby.com

Direct Dial Number
806-468-3201

April 1, 2005

By Hand Delivery

Ms. Caroline Woodburn
Potter County District Clerk
P. O. Box 9570
Amarillo, Texas 79105-9570

Re: No. 93,114-C – In the 251st District Court in and for Potter County, Texas;
The Amarillo Area Foundation and The Don and Sybil Harrington
Foundation vs. INVESCO Institutional (N.A.), Inc. (f/k/a INVESCO
Capital Management, Inc.)

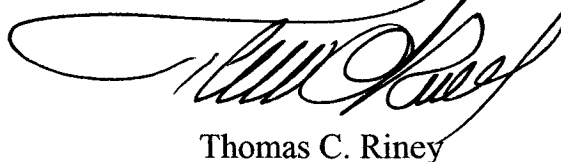
Dear Ms. Woodburn:

Enclosed are an original and one copy of Defendant's Motion to Transfer Venue and Subject Thereto Its Original Answer which I ask that you file in the above-referenced matter. Please return a file stamped copy of this Motion to our courier.

By copy of this letter, I am this day forwarding a copy of this document to Mr. John Mozola, attorney of record for the Plaintiffs, by certified mail, return receipt requested.

Sincerely,

GWINN & ROBY L.L.P.



Thomas C. Riney

TCR/gf
Enclosures
xc: John Mozola (w/enc.)

FILED
CAROLINE WOODBURN
DISTRICT CLERK
2005 APR -1 A 10:32
POTTER COUNTY, TEXAS
JP 01

CAUSE NO. 93114-C

THE AMARILLO AREA FOUNDATION
and THE DON AND SYBIL
HARRINGTON FOUNDATION,

Plaintiffs,

v.

INVESCO Institutional (N.A.), Inc.
(f/k/a INVESCO Capital Management, Inc.)

Defendant.

IN THE DISTRICT COURT

251ST JUDICIAL DISTRICT

POTTER COUNTY, TEXAS

**DEFENDANT'S MOTION TO TRANSFER VENUE
AND SUBJECT THERETO ITS ORIGINAL ANSWER**

Invesco Institutional (N.A.), Inc. (hereinafter "Defendant") files this Defendant's Motion to Transfer Venue, and subject thereto its Original Answer to Plaintiffs' Original Petition ("Petition"), subject to its right to remove this case and to challenge jurisdiction.

I.

Motion to Transfer Venue

Defendant moves that venue be transferred from Potter County, Texas, where venue is improper, to Dallas County, Texas where venue in Texas would be proper, assuming that this case should not be heard in another state or forum. This motion is filed as required by Texas Rule of Civil Procedure 86 before any other plea, pleading or motion, in order to preserve Defendant's right to object to venue. Defendant denies any and all venue facts that could support the maintenance of venue in Potter County based on the facts alleged by Plaintiff in the Petition. Specifically, Defendant denies that "all or a substantial part of the events or omissions giving rise to the claim occurred in Potter County, Texas." Simply because Plaintiffs are situated in Potter County does not make venue proper in this location.

As provided by Subdivision 3, venue is proper in Dallas County because the Defendant's principal office in Texas is in Dallas County. TEX. CIV. PRAC. & REM. CODE § 15.002(a)(3). Because Defendant's principal place of business within the state of Texas is in Dallas County,

the other provisions of §15.002 do not apply and the lawsuit should be transferred to Dallas County. Venue is also appropriate in Dallas County because the locale is more convenient than Potter County. TEX. CIV. PRAC. & REM. CODE §15.002(b). Furthermore, the maintenance of this action in Potter County would work an injustice to the parties and witnesses; the balance of interest of all parties predominate in favor of the action being transferred; and the transfer of the action would not work an injustice to any other party. *Id.* at §§ 15.002(b)(1) - (b)(3).

Because Defendant challenges the propriety of venue, Plaintiff bears the burden of proof to establish proper venue in Potter County, Texas. *In re Masonite Corp.*, 997 S.W.2d 194, 197 (Tex. 1999) (“If a defendant, through a venue transfer motion, objects to the plaintiff’s venue choice, the plaintiff must prove that venue is proper in the county of suit.”) citing *Wilson v. Texas Parks and Wildlife Dep’t*, 886 S.W.2d 259, 260 (Tex. 1994).

II.

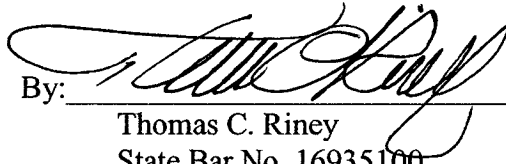
Original Answer

Subject to and without waiver of its motion to transfer venue and pursuant to all stipulations and admissions that may be made, Defendant asserts this general denial pursuant to Texas Rule of Civil Procedure 92, and generally denies each and every material allegation contained in Plaintiffs’ Original Petition and demand strict proof thereof.

WHEREFORE, PREMISES CONSIDERED, Defendant requests that Plaintiffs take nothing by their claims against Defendant, that the Court dismiss all claims against Defendant and award Defendant its costs of court. Defendant further requests all such other and further relief to which it may be justly entitled.

Respectfully submitted,

GWINN & ROBY L.L.P.

By: 
Thomas C. Riney
State Bar No. 16935100
320 South Polk Street
600 Maxor Building
Amarillo, Texas 79101
Telephone: 806-468-3201
Telecopier: 806-376-4509

FULBRIGHT & JAWORSKI L.L.P.


Layne E. Kruse
State Bar No. 11742550
1301 McKinney Ave., Suite 5100
Houston, Texas 77010-3095
Telephone: 713-651-5194
Telecopier: 713-651-5246

COUNSEL FOR DEFENDANT
INVESCO Institutional (N.A.), Inc.

CERTIFICATE OF SERVICE

In accordance with Rule 21a of the TEXAS RULES OF CIVIL PROCEDURE, I hereby certify that a true and correct copy of the foregoing instrument has been served upon all counsel of record on this 17th day of April, 2005, as follows:

John Mozola
State Bar No. 14615500
John Mozola, P.C.
Mulling Hoard & Brown, L.L.P.
P.O. Box 31656
Amarillo, Texas 79120
Telephone: 806-372-5050
Telecopier: 806-372-5086


Thomas C. Riney
FILED
CAROLINE WOODBURN
DISTRICT CLERK
APR -1 A 10:32
POTTER COUNTY, TEXAS
BY 